

ATTACHMENT 15

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

255

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

----- :
IN RE: PROCESSED EGG PRODUCTS : MDL NO. 2002
ANTITRUST LITIGATION : 08-md-02002
----- :
THIS DOCUMENT RELATES TO : DAY 2, VOL. II
Kroger, Inc. v. United Egg :
Producers, et al., :
No. 2:10-cv-06705 GP :
----- :

HIGHLY CONFIDENTIAL
VIDEOTAPED DEPOSITION
OF RAMESH DAGA
Thursday, March 13, 2014
Tenafly, New Jersey
1:16 p.m.

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

2 (Pages 256 to 259)

<p style="text-align: right;">256</p> <p>1 TRANSCRIPT of the Highly Confidential 2 30(b)(6) Videotaped Deposition, Day 2, Volume II, of 3 RAMESH DAGA, called as a witness for examination by 4 Defendants, pursuant to the Federal Rules of Civil 5 Procedure of the United States District Court, held at 6 the Clinton Inn Hotel and Event Center, 145 Dean 7 Drive, Tenafly, New Jersey, on Thursday, March 13, 8 2014, commencing at approximately 1:19 p.m., before 9 Josephine H. Fassett, a Certified Court Reporter, 10 Registered Professional Reporter, Certified Livenote 11 Reporter and Notary Public of the State of New Jersey. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">258</p> <p>1 APPEARANCES : 2 3 On Behalf of Defendant Rose Acre Farms, Inc.: 4 PORTER, WRIGHT, MORRIS & ARTHUR, LLP 5 41 South High Street 6 Suites 2800 - 3200 7 Columbus, Ohio 43215-6194 8 614.227.4440 9 BY TELEPHONE: ANDREW J. MOODY, ESQ. 10 amoody@porterwright.com 11 12 13 ALSO PRESENT : 14 MARCELO RIVERA, Videographer 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">257</p> <p>1 APPEARANCES : 2 3 On Behalf of Plaintiff Conopco, Inc. and the witness, 4 Ramesh Daga: 5 KENNY NACHWALTER, P.A. 6 1100 Miami Center 7 201 Soth Biscayne Boulevard 8 Miami, Florida 33131-4327 9 305.373.1000 10 BY: KEVIN J. MURRAY, ESQ. 11 kmurray@kennynachwalter.com 12 13 On Behalf of Defendants Michael Foods, Inc. and 14 Papetti's Hygrade Egg Products, Inc.: 15 STINSON LEONARD STREET LLP 16 150 South Fifth Street 17 Suite 2300 18 Minneapolis, Minnesota 55402 19 621.335.1568 20 BY: PETER J. SCHWINGLER, ESQ. 21 peter.schwingler@stinsonleonard.com 22 23 24 25</p>	<p style="text-align: right;">259</p> <p>1 -----INDEX----- 2 WITNESS PAGE 3 RAMESH DAGA 4 By Mr. Schwingler 260,281 5 By Mr. Murray 280 6 7 8 9 10 -----INDEX OF EXHIBITS----- 11 EXHIBIT PAGE 12 Exhibit 36 Email Exchange, Bates 13 CPCEGED00084171 to CPCEGED00084177 261 14 Exhibit 37 Email Exchange, Bates 15 CPCEGED00117501 to CPCEGED00117502 266 16 Exhibit 38 Email Exchange, Bates 17 CPCEGED00095059 to CPCEGED00095060 267 18 Exhibit 39 Complaint and Demand for Jury Trial 277 19 20 21 22 23 24 25</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

3 (Pages 260 to 263)

<p style="text-align: right;">260</p> <p>1 (Whereupon, resumed.)</p> <p>2 THE VIDEOGRAPHER: The time is 1:16 p.m. on</p> <p>3 March 13, 2014, and this is DVD No. 1, Volume 2,</p> <p>4 of the continued video deposition of Mr. Ramesh</p> <p>5 Daga.</p> <p>6 Will the court reporter please re-swear in</p> <p>7 the witness.</p> <p>8 R A M E S H D A G A, the witness, having been</p> <p>9 duly sworn, was examined and testified under oath</p> <p>10 as follows:</p> <p>11 EXAMINATION BY</p> <p>12 MR. SCHWINGLER:</p> <p>13 Q Good afternoon, Mr. Daga.</p> <p>14 A Good afternoon.</p> <p>15 Q We've been introduced before, but my name is</p> <p>16 Peter Schwinger and I represent the Defendant Michael</p> <p>17 Foods in this case. And I believe you spoke on</p> <p>18 Tuesday with my colleague, Bill Greene.</p> <p>19 A Yes.</p> <p>20 Q I have just a few questions for you in</p> <p>21 connection with this litigation.</p> <p>22 MR. SCHWINGLER: I'm not sure what</p> <p>23 exhibits --</p> <p>24 THE COURT REPORTER: .</p> <p>25 MR. SCHWINGLER: 36.</p>	<p style="text-align: right;">262</p> <p>1 A Looks like I did.</p> <p>2 Q The third full paragraph starts with</p> <p>3 "proactively."</p> <p>4 A Uh-hum.</p> <p>5 Q It says: Proactively, we are working with</p> <p>6 our current egg supplier Michael Foods to quickly</p> <p>7 convert our eggs to an industry standard called UEP</p> <p>8 (United Eggs Producers). Do you see that?</p> <p>9 A I do.</p> <p>10 Q And why were you informing Mike Bauer, Dana</p> <p>11 Emery and Joe DiRaddo at this time about the fact that</p> <p>12 Conopco was working with Michael Foods to become UEP</p> <p>13 Certified?</p> <p>14 A So these people who I have sent the email,</p> <p>15 these people are business people. They're our brand</p> <p>16 marketers. And as a routine conversation with</p> <p>17 purchasing and brand marketers, we inform them about</p> <p>18 changes in marketplace.</p> <p>19 Q So the addressees on this email are all</p> <p>20 involved in marketing?</p> <p>21 A Two people, Mike Bauer and Dana Emery, they</p> <p>22 are marketers. Gentleman by the name of Joe DiRaddo</p> <p>23 he is a VP supply -- he was VP supply chain back then.</p> <p>24 Q What was his relationship to you at that</p> <p>25 time?</p>
<p style="text-align: right;">261</p> <p>1 (Email Exchange, Bates CPCEGED00084171 to</p> <p>2 CPCEGED00084177, marked as Daga Exhibit 36, as</p> <p>3 of this date.)</p> <p>4 BY MR. SCHWINGLER:</p> <p>5 Q Mr. Daga, you've been handed what's been</p> <p>6 marked as Exhibit 36, which is an email string with</p> <p>7 the Bates range CPCEGED00084171 through 84177.</p> <p>8 You're free to read as much of this document</p> <p>9 as you would like or you feel is necessary to answer</p> <p>10 accurately. My question will be limited to one of the</p> <p>11 emails on page 4, the page ending in 84174, starting</p> <p>12 in the middle of the page dated September 7, 2006, at</p> <p>13 4:07 p.m. So I'd ask you to read that email.</p> <p>14 And, like I said, you're free to read</p> <p>15 anything else in this document if you would like.</p> <p>16 A Okay.</p> <p>17 Q So once you've -- once you've finished</p> <p>18 reading that email, please let me know and I'll have a</p> <p>19 few questions.</p> <p>20 A (Reads.) Okay.</p> <p>21 Q So the document I'm looking at is an email</p> <p>22 from you to Mike Bauer and several other individuals;</p> <p>23 is that correct?</p> <p>24 A Correct.</p> <p>25 Q And you sent this email?</p>	<p style="text-align: right;">263</p> <p>1 A He -- Joe sits on a leadership team for the</p> <p>2 business. So you have multifunction people sit in the</p> <p>3 business. So you have marketers. You have supply</p> <p>4 chain. Finance. So he is part of the leadership team</p> <p>5 of the business.</p> <p>6 Q Did you report to him?</p> <p>7 A No.</p> <p>8 Q Did he report to you?</p> <p>9 A No.</p> <p>10 Q Okay. Okay. The next sentence after the</p> <p>11 one that I read before says: Per attached</p> <p>12 presentation from Michael Foods, they are fully</p> <p>13 committed to make in happen.</p> <p>14 Was it your understanding in September of</p> <p>15 2006 that Michael Foods was fully committed to joining</p> <p>16 the UEP Certified Program?</p> <p>17 A That's what I felt back then, and that's why</p> <p>18 I informed our business people.</p> <p>19 Q The next sentence says: We have told them</p> <p>20 clearly to make this happen by January 2007. Do you</p> <p>21 see that?</p> <p>22 A I do.</p> <p>23 Q Did you personally tell Michael Foods to</p> <p>24 become UEP Certified?</p> <p>25 A I have.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

4 (Pages 264 to 267)

<p style="text-align: right;">264</p> <p>1 Q Did you do that at this time, at this 2 timeframe? 3 A At some point around that time. 4 Q And your communication at Michael Foods told 5 them to become certified by January 2007? 6 A If that's what this note says from myself, 7 then that's what I must have told them. 8 Q Well, I should say: What you told them was 9 to supply Conopco with certified eggs by January 2007? 10 A By January 2007, so that was my instruction 11 and intent at that time for them to be UEP Certified 12 by 2007. 13 Q The next sentence says: They have already 14 converted their NJ plant to UEP last week. Then it 15 says: Their PA plant will be converted later this 16 month. And then it says: Our challenge for them to 17 convert their IA plant, which supplies exclusively to 18 Kilbourn, by January 2007. Do you see that? 19 A Correct. 20 Q By IA do you mean Iowa? 21 A Correct. 22 Q And Kilbourn, is that the Chicago facility 23 that makes Hellmann's Mayonnaise? 24 A Correct. 25 Q And what did you mean by challenge?</p>	<p style="text-align: right;">266</p> <p>1 Q So this -- all this -- all you're saying in 2 this email is: You were considering Rose Acres as a 3 contingency plan in case Michael Foods did not become 4 certified? 5 A That's what I meant to say here. 6 Q And you were communicating that to business 7 people within Conopco? 8 A Correct. 9 MR. SCHWINGLER: You can set that document 10 aside. 11 (Email Exchange, Bates CPCEGED00117501 to 12 CPCEGED00117502, marked as Daga Exhibit 37, as 13 of this date.) 14 BY MR. SCHWINGLER: 15 Q You've been handed what's been marked as 16 Exhibit 37, which is an email string with the Bates 17 range CPCEGED00117501 to 502. 18 I would ask you to review the email from you 19 to John Brommer that starts halfway down the first 20 page. 21 A Okay. 22 Q And is this an email you sent to John 23 Brommer on October 5th, 2007? 24 A Looks like I did. 25 Q Okay. Who is John Brommer?</p>
<p style="text-align: right;">265</p> <p>1 A They sell substantially large quantity. Our 2 Kilbourn plant used almost 80-plus percent of our egg 3 requirement. 4 Q So you needed Michael Foods to convert their 5 Iowa plant to making UEP Certified eggs in order to 6 supply Kilbourn, correct? 7 A Correct. 8 Q And that was a challenge because it was a 9 large volume of eggs? 10 A Correct. 11 Q The next sentence says: We will know by 12 September 15th about their plan to supply us UEP eggs 13 to Kilbourn. 14 The next sentence: As a plan B, we are also 15 talking to another UEP Certified egg supplier called 16 Rose Acre Farm in case Michael Foods cannot meet our 17 timeline. Do you see that? 18 A I do. 19 Q Is that an accurate description, at that 20 time were you talking to Rose Acre Farms? 21 A I must have been. 22 Q And when you say, when you use the phrase 23 "as a plan B," what did you mean? 24 A In case Michael Foods don't comply with our 25 requirement, you have contingency plan.</p>	<p style="text-align: right;">267</p> <p>1 A John Brommer is account manager at Michael's 2 Food. 3 Q In the email you say: John, I will start 4 handing over egg buying responsibility to Ernani Wood 5 who is based in Sao Paulo, Brazil, correct? 6 A Correct. 7 Q So is it fair to say that as of October 5th, 8 2007, you still had egg buying responsibility within 9 Conopco? 10 A Correct. 11 MR. SCHWINGLER: You can set that document 12 aside. 13 (Email Exchange, Bates CPCEGED00095059 to 14 CPCEGED00095060, marked as Daga Exhibit 38, as 15 of this date.) 16 BY MR. SCHWINGLER: 17 Q You've been handed what's been marked as 18 Exhibit 38, which is an email string. The Bates range 19 CPCEGED00095059 to 959060. 20 I would ask you to look at just the top 21 email on the string on the first page dated January 22 16, 2008, at 10:20 a.m. 23 A Okay. 24 Q The first paragraph in that email states: 25 Until next month, the egg buyer will be Ramesh Daga.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

5 (Pages 268 to 271)

<p style="text-align: right;">268</p> <p>1 Do you see that?</p> <p>2 A I do.</p> <p>3 Q As of January 16, 2008, were you still the</p> <p>4 egg buyer for Conopco?</p> <p>5 A Looks like.</p> <p>6 Q Is that consistent with your recollection?</p> <p>7 A Yes.</p> <p>8 Q And did you remain the egg buyer until</p> <p>9 February of 2008?</p> <p>10 A That's a good guess.</p> <p>11 Q That that time would be consistent with your</p> <p>12 recollection?</p> <p>13 A Correct.</p> <p>14 Q You were the egg buyer from -- withdrawn.</p> <p>15 When did you become the egg buyer for</p> <p>16 Conopco?</p> <p>17 A Somewhere around 2000.</p> <p>18 Q And you remained the egg buyer until around</p> <p>19 February of 2008?</p> <p>20 A Sounds approximately right.</p> <p>21 Q Is it fair to say that from around 2000 to</p> <p>22 approximately February 2008 you were the person within</p> <p>23 Conopco most knowledgeable about Conopco's egg product</p> <p>24 purchases?</p> <p>25 MR. MURRAY: Object to the form of the</p>	<p style="text-align: right;">270</p> <p>1 A That was my responsibility, among other</p> <p>2 responsibilities.</p> <p>3 Q Were you the employee within Conopco that</p> <p>4 was responsible for communicating with egg product</p> <p>5 suppliers during that time period?</p> <p>6 A I was one of the persons who was responsible</p> <p>7 for communication to suppliers.</p> <p>8 Q Who else was responsible for communicating</p> <p>9 with egg product suppliers?</p> <p>10 A We had many other functions. People from</p> <p>11 the factory. People from research and development.</p> <p>12 Other function also communicated to suppliers.</p> <p>13 Q Were you the person within Conopco</p> <p>14 responsible for communicating with suppliers about</p> <p>15 prices for egg products?</p> <p>16 A I was responsible to seek price quotations</p> <p>17 from suppliers.</p> <p>18 Q Did any other, to your knowledge, did any</p> <p>19 other Conopco employee speak directly with egg product</p> <p>20 suppliers about prices during your time as the egg</p> <p>21 buyer?</p> <p>22 A I don't recall that. It's quite possible.</p> <p>23 I only control what I did, and do.</p> <p>24 Q But that was something that was within your</p> <p>25 responsibility, correct?</p>
<p style="text-align: right;">269</p> <p>1 question. That's impossible for him to know what</p> <p>2 everybody else knew, but he can answer.</p> <p>3 A I can't answer this without also comparing</p> <p>4 my knowledge with others. There could be other</p> <p>5 knowledgeable people in the company, so.</p> <p>6 Q Well, let's go through this a little bit.</p> <p>7 Your role was to buy egg products, correct?</p> <p>8 A That's correct.</p> <p>9 Q You were the only person that bought egg</p> <p>10 products for Conopco between roughly 2000 and early</p> <p>11 2008?</p> <p>12 A My supervisors were also authorized to buy</p> <p>13 eggs, so I was not the only person who was authorized</p> <p>14 to buy eggs on behalf of Conopco.</p> <p>15 Q Were you supervised -- did your supervisors</p> <p>16 also have authority over other ingredients?</p> <p>17 A So they -- yes, they did, so did I.</p> <p>18 Q And how many other ingredients did you have</p> <p>19 authority over?</p> <p>20 A During that period I bought many different</p> <p>21 ingredients, I don't recall exactly what. But some of</p> <p>22 the things could be flour, could be rice, could be</p> <p>23 sugar. Egg was just one of the ingredients I procure.</p> <p>24 Q But from 2000 to roughly early 2008, you</p> <p>25 bought egg products during that whole period, correct?</p>	<p style="text-align: right;">271</p> <p>1 A Talking about prices was within my</p> <p>2 responsibility, that does not mean that others can't</p> <p>3 talk with them.</p> <p>4 Q Are you -- are you aware of any instance in</p> <p>5 which someone other than you during your period as egg</p> <p>6 buyer negotiated a price for an egg product with an</p> <p>7 egg product supplier?</p> <p>8 A I don't recall if others, what others did or</p> <p>9 did not, I can speak for only my action.</p> <p>10 Q I'm asking if you're aware as you sit here</p> <p>11 today of any instance in which someone other than you</p> <p>12 negotiated a price with an egg product supplier</p> <p>13 between 2000 and early 2008.</p> <p>14 A Quite possibly it could have happened, but I</p> <p>15 don't recall. I can't tell you what anybody did or</p> <p>16 did not.</p> <p>17 Q If it would have -- if it happened, would</p> <p>18 you have been made aware of that?</p> <p>19 A Not necessarily.</p> <p>20 Q So is it your testimony that it's possible</p> <p>21 that someone other than you may have negotiated an egg</p> <p>22 product purchase during your time as an egg buyer</p> <p>23 without your knowledge?</p> <p>24 A There are other people who are authorized to</p> <p>25 buy product on behalf of our company, so I'm not there</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

6 (Pages 272 to 275)

<p style="text-align: right;">272</p> <p>1 24/7. So it's quite possible during my absence 2 traveling, other people who were authorized to buy 3 eggs, and other product, may have bought it. The 4 company don't quite run on just the one person. 5 Q I'm not asking if it's possible if somebody 6 else bought egg products, I'm asking if it's possible 7 that somebody else bought egg products and you never 8 found out about it. 9 A I don't need to know every single 10 transaction, so if others have bought it, they're 11 obviously authorized to make those purchases, and... 12 Q How do you know what egg products to buy? 13 A We have our normal usage, so there are 14 repeat purchases. So we have a good history of past 15 transactions, past specification number. 16 Q You get instructions from someone else about 17 the quantities and the types of products that Conopco 18 needs to purchase, correct? 19 A Sometimes we do, sometimes we don't. 20 Q But you wouldn't buy an egg product unless 21 you knew there was some use for it within the company, 22 correct? 23 A That's logical thing to assume. I wouldn't 24 buy because it's a fun thing to do, so I would buy 25 them because there's a need in the company.</p>	<p style="text-align: right;">274</p> <p>1 buying reason. 2 Q And the buying reason would -- the buying 3 signal would tell you, I need to buy a certain product 4 in a certain quantity at a certain time period, 5 correct? 6 A Correct. 7 Q And then your job would be to go out and buy 8 that product? 9 A Correct. 10 Q And that's when you would interact with the 11 egg product companies that were your suppliers? 12 A Correct. 13 Q And did you monitor what Conopco's needs 14 were at any given time for different products, was 15 that part of your job? 16 A We get history from our system how much eggs 17 we have used, and that's a good starting base to 18 extrapolate for future. 19 Q And was it part of your job to keep track of 20 what Conopco divisions were using eggs and making sure 21 that they were kept supplied? 22 A The system tells us, so we don't need to 23 sort of maintain a log or anything. The system tells 24 live data any given time. 25 Q So you weren't -- just to throw out a</p>
<p style="text-align: right;">273</p> <p>1 Q And that need, the details of that need 2 would be decided by someone other than the egg buyer, 3 correct? 4 A It comes from system. It comes from 5 history. It comes, you know, so we use various 6 internal tools to project future. 7 Q So just, I'm speaking in general terms here 8 now, but I'm trying to get an understanding for what a 9 day in the life of Ramesh Daga would have been like 10 between 2000 to 2008. So let's say you need liquid 11 egg yolks for Ben & Jerry's ice cream. 12 A Okay. 13 Q How -- from start to -- starting at sort of 14 the first moment when you find out that you need to 15 buy this product, I'd just like you to walk me through 16 the steps that would occur from Ben & Jerry's deciding 17 in need of the egg yolk to actually making a purchase. 18 So does Ben & Jerry's call you and say we need X 19 amount of egg yolks? 20 A They may call, they may send email, or there 21 may be history in the system we can download or there 22 may be past history from the system. So there are 23 various sources we get buying signal. 24 Q But there is a buying signal? 25 A There is a buying signal or there is a</p>	<p style="text-align: right;">275</p> <p>1 hypothetical example. You weren't in charge of 2 keeping track of where/how much eggs Ben & Jerry's 3 used and when they would need to come with, you know, 4 re-up their contract? 5 A It's done for us. 6 Q It's done for you. 7 A The system does it for us. 8 Q And they communicate the information to you? 9 A No. We can download from system. 10 Q But somebody from system has to tell you, 11 you need to look into this, correct? 12 A That's a logical thing. We go in the system 13 and different we're going to Outlook email. Like my 14 system has history. It's a warehouse. 15 Q So what I want to do, I want to distinguish 16 between how you get the information and how you know 17 that it's time to look at the information in the first 18 place. 19 So, my question is: Are you -- were you 20 accountable for monitoring what different divisions 21 were using and when, when they might need to get more 22 supply, or was that information provided to you by 23 someone else? 24 A It's done different ways. They're not -- 25 it's not a one way. Sometimes they send us simple</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

7 (Pages 276 to 279)

<p style="text-align: right;">276</p> <p>1 email we need a thousand pounds. Sometimes we get the</p> <p>2 data from the system. So there are various ways we</p> <p>3 would know how much to buy for future. It could be</p> <p>4 sometimes people call. It's as simple as make a phone</p> <p>5 call.</p> <p>6 Q And they would call you personally when you</p> <p>7 were the egg buyer?</p> <p>8 A They would call me personally or they would</p> <p>9 call my backup if I'm not around.</p> <p>10 Q Who was your backup?</p> <p>11 A We had several backups. We worked in teams,</p> <p>12 so I...</p> <p>13 Q You had primary responsibility for buying</p> <p>14 egg products from 2000 to early 2008, correct?</p> <p>15 A Among other things, eggs was just one of the</p> <p>16 product I bought. But my boss, my supervisors also</p> <p>17 had authority to do exactly what I did.</p> <p>18 Q Sure. But other than the fact that other</p> <p>19 people also had authority, what I'm asking is, that</p> <p>20 was, you were the person most responsible for buying</p> <p>21 egg products?</p> <p>22 A I was the central person, yes.</p> <p>23 Q Yes. After February of 2008, what position</p> <p>24 did you take at Conopco?</p> <p>25 Let me rephrase.</p>	<p style="text-align: right;">278</p> <p>1 2010, filed in Case No. 2:10-CV-06705-GP in the</p> <p>2 Eastern District of Pennsylvania. Are you familiar</p> <p>3 with this document?</p> <p>4 A Looks like this is complaint.</p> <p>5 Q Have you ever read this document?</p> <p>6 A I've gone through some part of it, not all</p> <p>7 of it.</p> <p>8 Q Have you gone through this specific version</p> <p>9 of the complaint dated November 16, 2010?</p> <p>10 A I don't recall what version I've gone</p> <p>11 through, but it's similar document.</p> <p>12 MR. MURRAY: We'll note for the record</p> <p>13 there's been several amendments since this</p> <p>14 document.</p> <p>15 MR. SCHWINGLER: Yes.</p> <p>16 Q Do you recall whether you reviewed this</p> <p>17 complaint before it was filed?</p> <p>18 A I have gone over very briefly about the</p> <p>19 nature of the complaint.</p> <p>20 Q Before, so before November 16, 2010, you</p> <p>21 reviewed this document or a draft of it?</p> <p>22 A No.</p> <p>23 Q You did not?</p> <p>24 A No.</p> <p>25 Q You've reviewed it since then?</p>
<p style="text-align: right;">277</p> <p>1 After you stopped being the egg buyer, what</p> <p>2 did you do?</p> <p>3 A I may have bought, always purchasing</p> <p>4 different commodities. So I'm buying different</p> <p>5 commodities.</p> <p>6 Q Could you give me an example of a commodity</p> <p>7 you purchased after you stopped being the egg buyer?</p> <p>8 A So it could be vegetable oils. It could be</p> <p>9 sugar. Flour. Rice.</p> <p>10 Q But not eggs?</p> <p>11 A Not after handing out to Ernani Wood, no.</p> <p>12 Q And do you still currently work in the</p> <p>13 supply procurement --</p> <p>14 A Yes.</p> <p>15 Q -- side of the business?</p> <p>16 Do you recall what, what commodities you</p> <p>17 were involved in purchasing in 2010?</p> <p>18 A It has to be vegetable oil. A combination</p> <p>19 of vegetable oil, maybe rice, maybe flour. We had a</p> <p>20 few stuff I bought, so one of those.</p> <p>21 (Complaint and Demand for Jury Trial</p> <p>22 marked as Daga Exhibit 39, as of this date.)</p> <p>23 BY MR. SCHWINGLER:</p> <p>24 Q You've been handed what's been marked as</p> <p>25 Exhibit 39, which is the complaint dated November 16,</p>	<p style="text-align: right;">279</p> <p>1 A Correct.</p> <p>2 Q Okay. Before November 16, 2010, did you</p> <p>3 talk to anyone within Conopco about this complaint?</p> <p>4 A No.</p> <p>5 Q Any conversations you've had about this</p> <p>6 lawsuit came after November 16, 2010?</p> <p>7 A After 2010?</p> <p>8 Q Yes.</p> <p>9 A Very recently with my internal counsel.</p> <p>10 Q So, for example, nobody came to you in fall</p> <p>11 of 2010 or November of 2010 and asked you about the</p> <p>12 egg products markets?</p> <p>13 A I don't recall. People ask me questions</p> <p>14 from time to time about things, about my experience.</p> <p>15 It's quite possible people may have asked my opinion.</p> <p>16 I do likewise in my current job to see what we need</p> <p>17 from others.</p> <p>18 Q But you have no specific recollection of</p> <p>19 discussing egg product markets with anyone in</p> <p>20 connection with this complaint before it was filed?</p> <p>21 A No.</p> <p>22 MR. MURRAY: And in answering don't reveal</p> <p>23 any communications you might have had with</p> <p>24 lawyers either inside the company or outside the</p> <p>25 company.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

8 (Pages 280 to 283)

<p style="text-align: right;">280</p> <p>1 THE WITNESS: Yeah.</p> <p>2 THE VIDEOGRAPHER: That's all I've got.</p> <p>3 MR. MURRAY: Okay. There's one -- does</p> <p>4 anyone on the phone have any questions?</p> <p>5 MR. MOODY: No. Thank you.</p> <p>6 MR. MURRAY: There's one point I want to</p> <p>7 clear up.</p> <p>8 EXAMINATION BY</p> <p>9 MR. MURRAY:</p> <p>10 Q During the first session, there was</p> <p>11 confusion about the contractual status of the supply</p> <p>12 agreements after the 2003 to 2006 supply agreement</p> <p>13 ended. Do you recall that?</p> <p>14 A I do.</p> <p>15 Q And you were asked whether the next</p> <p>16 multiyear supply agreement took place and you said you</p> <p>17 weren't sure.</p> <p>18 A Correct.</p> <p>19 Q Okay. Did you have an opportunity between</p> <p>20 the time those questions were asked and today to</p> <p>21 investigate and, if you could, tell us what you've</p> <p>22 learned about the next multiyear supply agreement.</p> <p>23 A Sure. So after our last 2006 contract</p> <p>24 ended, expired 2006, we chose not to do a longer term</p> <p>25 contract. We were on year-over-year contract for</p>	<p style="text-align: right;">282</p> <p>1 MR. SCHWINGLER: I've got no other</p> <p>2 questions.</p> <p>3 MR. MURRAY: Thank you.</p> <p>4 THE VIDEOGRAPHER: The time is 1:46 p.m.</p> <p>5 MR. MURRAY: Okay. I want to just make a</p> <p>6 statement that we designate the entire deposition</p> <p>7 highly confidential under the protective order</p> <p>8 and do not waive reading and signing.</p> <p>9 (Whereupon, witness to read and sign.)</p> <p>10 THE VIDEOGRAPHER: The time is 1:47 p.m. on</p> <p>11 March 13, 2014, and this completes the video</p> <p>12 deposition of Mr. Ramesh Daga.</p> <p>13 (Whereupon, off the record.)</p> <p>14 (Whereupon, videotaped deposition</p> <p>15 adjourned 1:47 p.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">281</p> <p>1 approximately two years.</p> <p>2 MR. SCHWINGLER: And this was with Michael</p> <p>3 Foods?</p> <p>4 MR. MURRAY: I'm still asking.</p> <p>5 BY MR. MURRAY:</p> <p>6 Q And then at that point did you enter into a</p> <p>7 multiyear supply agreement?</p> <p>8 A After that, after 2008, we entered into</p> <p>9 multiyear contract.</p> <p>10 Q And who was that with?</p> <p>11 A With Michael's Food.</p> <p>12 MR. MURRAY: Okay. I don't have any further</p> <p>13 questions.</p> <p>14 FURTHER EXAMINATION BY</p> <p>15 MR. SCHWINGLER:</p> <p>16 Q Your year-over-year contracts that you just</p> <p>17 referenced, were those with Michael Foods?</p> <p>18 A Among other suppliers. Plus other</p> <p>19 suppliers.</p> <p>20 Q Are you familiar with what -- how the prices</p> <p>21 for those contracts were determined?</p> <p>22 A From 2008, I have essentially handed over my</p> <p>23 responsibility to Ernani Wood approximately around</p> <p>24 February 2008, so I wasn't privy how the prices were</p> <p>25 done afterwards.</p>	<p style="text-align: right;">283</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, _____, do hereby</p> <p>4 acknowledge that I have read and examined the</p> <p>5 foregoing testimony, and the same is a true, correct</p> <p>6 and complete transcription of the testimony given by</p> <p>7 me, and any corrections appear on the attached Errata</p> <p>8 Sheet signed by me.</p> <p>9</p> <p>10</p> <p>11 _____</p> <p>12 (DATE) (SIGNATURE)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh - Vol. II

March 13, 2014

9 (Page 284)

<p style="text-align: right;">284</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I, JOSEPHINE H. FASSETT, a Registered</p> <p>6 Professional Reporter, Certified Court Reporter, and</p> <p>7 Notary Public within and for the State of New York, do</p> <p>8 hereby certify that the witness, whose videotaped</p> <p>9 deposition is hereinbefore set forth, was first duly</p> <p>10 sworn by me on the date indicated, and that the</p> <p>11 foregoing videotaped deposition is a true and accurate</p> <p>12 record of the testimony given by such witness.</p> <p>13</p> <p>14 I FURTHER CERTIFY that I am not employed by</p> <p>15 nor related to any of the parties to this action by</p> <p>16 blood or marriage, and that I am in no way interested</p> <p>17 in the outcome of this matter.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 _____ JOSEPHINE H. FASSETT, RPR, CCR</p> <p>22 NCRA License No. 32148</p> <p>23 CCR License No. 30XI00098400</p> <p>24 New York Notary Public</p> <p>25</p>	

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com